



**U.S. Department of Justice**

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December 6, 2007

**VIA CM/ECF**

The Honorable Gregory M. Sleet  
Chief Judge  
United States District Court  
for the District of Delaware  
844 N. King Street  
Wilmington, DE 19801

**RE: United States v. Andrew Yao - 06-27-GMS**

Dear Chief Judge Sleet:

We write to respectfully request that the Court schedule sentencing in the above-captioned matter, consistent with the Court's calendar, as well as to inform the Court of the status of pending criminal case against Mr. Yao in the Eastern District of Pennsylvania.

By Order dated November 5, 2007, the Court required the parties to submit briefs on the issue of whether United States Sentencing Guideline Section 2B1.1 or Section 2J1.3 should apply in calculating the defendant's advisory Sentencing Guideline range. Docket Item ("D.I." 59). It is government counsel's understanding that the requested briefs have been submitted for the Court's consideration and that the case is procedurally ready for scheduling a sentencing date. *See, e.g.*, D.I. 61. However, a review of the docket today does not reflect defense counsel's brief, which the government received and believes was filed on November 19, 2007, in accordance with the schedule.

On December 4, 2007, government counsel, Mr. Yao, and Mr. Yao's court-appointed counsel, Jeff Lindy, were before the Honorable Petrese B. Tucker, United States District Court for the District of Pennsylvania, for a scheduling conference. Judge Tucker scheduled the Philadelphia trial to begin March 31, 2008.

**Letter to Chief Judge Gregory M. Sleet  
December 6, 2007**

**Page Two**


**United States v. Andrew Yao - 06-27-GMS**

Government counsel spoke with the assigned probation officer this morning and informed him that we would be filing this letter requesting a sentencing date as well as notifying the Court of the trial date in the pending case against Mr. Yao.

Please contact either of us should the Court have questions.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

By:   
Shannon T. Hanson  
Douglas E. McCann  
Assistant U.S. Attorneys

cc: Brian McMonagle, Esq. (by CM/ECF and facsimile)  
Mark Cedrone, Esq. (by facsimile)  
Walter P. Matthews, III, Snr. Probation Officer (by facsimile)